

17707 U.S. PTO
011304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on January 13, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EV332823925US**, addressed to the Commissioner for Patents, Mail Stop Reissue, P.O. Box 1450 Alexandria, VA 22313-1450.

Ryan Eachus

Attorney Docket No.: CHIRP018R

First Named Inventor: Verena D. Huebner

17513 U.S. PTO
10/757347
011304

Mail Stop Reissue
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REISSUE APPLICATION TRANSMITTAL

Transmitted herewith is the application for reissue of U.S.



Utility Patent



Plant Patent



Design Patent

No.: **6,291,505** issued on **September 18, 2001**

Inventor(s): **Verena D. Huebner, Xiaodong Lin, Ian James, Liya Chen, Manoj C. Desai, Beata Krywult, Rajinder Singh, and Liang Wang**

Title: **ESTROGEN RECEPTOR MODULATORS**

Enclosed are the following:

Specification, claim(s) and drawing(s) (37 C.F.R. § 1.173)

- (a) ☒ 49 pages of specification
☒ 01 page(s) of claims
☒ 01 page(s) of abstract

NOTE: This must include the entire specification and claims of the patent, with the matter to be omitted by reissue enclosed in square brackets. Any additions made by the reissue must be underlined, so that the old and new specifications and claims may be readily compared. Claims should not be renumbered. The numbering of claims by reissue should follow the number of the highest numbered patent claim. No new matter shall be introduced into the specification. (37 C.F.R. § 1.173.)

- (b) ☐ sheets of **Formal** drawing (drawings amended)

NOTE: "Amendments which can be made in a reissue drawing, that is, changes from the drawing of the patent, are restricted." C.F.R. § 1.174(b).

☒ 32 pages of Reissue Application Declaration by Inventors

☒ 03 pages of Amendment under 37 C.F.R. 1.173(b)

Offer to surrender the original letters patent in accordance with 37 C.F.R. § 1.178 is attached.

- ☐ Offer to surrender is by the inventor
- ☐ along with assent of assignee.
- ☒ Offer to surrender is by the assignee of the entire interest (and the reissue application does not seek to enlarge the claims of the original patent).

Letters patent

- ☐ Original letters patent are attached.
- ☐ Declaration that original letters patent lost or inaccessible is attached.
- ☒ A copy of the original printed patent is attached.

NOTE: "The application may be accepted for examination in the absence of the original patent or the declaration but one or the other must be supplied before the case is allowed." 37 C.F.R. § 1.178.

NOTE: "Where the original patent grant is not submitted with the reissue application as filed, patentee should include a copy of the printed original patent. Presence of a copy of the original patent is useful for the calculation of the reissue filing fee and for the verification of other identifying data." M.P.E.P., 6th ed. rev. 2, § 1416.

NOTE: "If a reissue be refused the original patent will be returned to applicant upon his request." 37 C.F.R. § 1.178.

Petition to proceed without assignee's assent

- ☐ Attached hereto is a "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE'S ASSENT".
- (a) ☐ The fee payment is authorized in the attached
- ☐ "REISSUE APPLICATION TRANSMITTAL" Form
- ☐ "COMPLETION OF FILING REQUIREMENTS-REISSUE APPLICATION" FORM
- (b) ☐ Payment is authorized below.
- ☐ Information Disclosure Statement ☐ Copies of the IDS citation(s) are attached.

Priority-35 U.S.C. § 119

- ☐ Priority of Application No. _____, filed on _____ in _____ is claimed under 35 U.S.C. § 119.
- ☐ The certified copy has been filed in prior application No. _____, filed on _____ in _____.

Fee Calculation (37 CFR § 1.16)

- ☐ Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	12	MINUS	20	= 00	x 18 =	
INDEP.	01	MINUS	3	= 00	x 86 =	
[] First presentation of multiple dependent claim					\$290 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$770 =	770.00
TOTAL						770.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

Additional Fee Payments

- ☐ Payment is being made for "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE" (37 C.F.R. § 1.17(h)) \$130.00

Total Fees Due

Filing Fee \$ 770.00
Petition Fee \$

TOTAL FEES DUE \$ 770.00

Method of Payment of Fees

- ☒ Enclosed is Check No. 8507 in the amount of \$770.00.

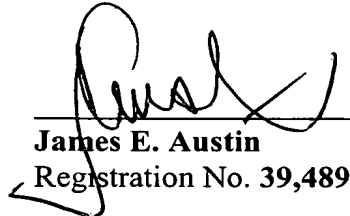
Authorization to Charge Additional Fees

- ☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No.CHIRP018R).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

- ☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. CHIRP018R).
- ☒ Please direct all correspondence to the **correspondence address** indicated below with Customer Number **27476**.

Date: 1/13/2004


James E. Austin
Registration No. 39,489

Correspondence Address:

CHIRON CORPORATION

Customer Number: 27476

27476

PATENT TRADEMARK OFFICE

Attorney Steven W. Collier
Reg. No. 42,439
Chiron Corporation
P.O. Box 8097
Emeryville, CA 94662
Telephone: (510) 923-3774
Facsimile: (510) 655-3542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Huebner et al.

Attorney Docket No.: CHIRP018R

Original Patent No.: 6,291,505

Original Patent Issue Date: September 18, 2001

For: ESTROGEN RECEPTOR MODULATORS

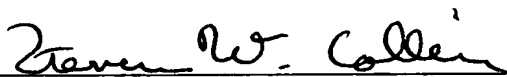
OFFER TO SURRENDER PATENT

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Chiron Corporation, assignee of the entire interest in the original patent offers to surrender U.S. Patent No. 6,291,505, granted September 18, 2001. A certificate under 37 C.F. R. § 3.73(b) is concurrently submitted.

Date August 8, 2003



Steven W. Collier
Assistant Secretary
Chiron Corporation